

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

John F Kostelnik Jr.
Colleen A Kostelnik
Debtor(s)

Bankruptcy Case No.: 15-21545-CMB
Issued Per Jan. 5, 2017 Proceeding
Chapter: 13
Docket No.: 61 – 48, 54
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated November 16, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The claim of Lakeview Loan Servicing at Claim No. 202 shall be paid per payment changes of record.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: January 9, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 John F Kostelnik, Jr.
 Colleen A Kostelnik
 Debtors

Case No. 15-21545-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

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 Total Noticed: 35

Date Rcvd: Jan 09, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 11, 2017.
 db/jdb

+John F Kostelnik, Jr., Colleen A Kostelnik, 841 Fellsburg Road,
 Belle Vernon, PA 15012-4709
 14037895 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank Of America, Attention: Recovery Department,
 4161 Piedmont Pkwy., Greensboro, NC 27410)
 14106765 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
 14037896 +Barclays Bank Delaware, Attn: Bankruptcy, P.O. Box 8801, Wilmington, DE 19899-8801
 14073513 CAPITAL ONE, N.A., C/O BECKETT AND LEE LLP, POB 3001, MALVERN, PA 19355-0701
 14037917 ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034
 (address filed with court: Unvl/citi, Attn.: Centralized Bankruptcy, Po Box 20507,
 Kansas City, MO 64195)
 14037898 +Capl/bstby, PO Box 30253, Salt Lake City, UT 84130-0253
 14037899 +Capital One, Box 30253, Salt Lake City, UT 84130-0253
 14037900 +Chase Card, Po Box 15298, Wilmington, DE 19850-5298
 14037901 +Citibank/The Home Depot, Citicorp Credit Svcs/Centralized Bankrup, Po Box 790040,
 Saint Louis, MO 63179-0040
 14073442 ECASST SETTLEMENT CORPORATION, ASSIGNEE, OF CITIBANK, N.A., POB 29262,
 NEW YORK, NY 10087-9262
 14061957 ++FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180
 (address filed with court: Ford Motor Credit Company LLC, P.O. Box 62180,
 Colorado Springs, CO 80962)
 14049153 +Lakeview Loan Servicing, LLC, M&T BANK, PO BOX 1288, Buffalo, NY 14240-1288
 14064194 +Midland Credit Management, Inc as agent for, Midland Funding LLC, PO Box 2011,
 Warren, MI 48090-2011
 14083102 +Navient Solutions Inc., 220 Lasley Ave, Wilkes-Barre, PA 18706-1430
 14056866 +Navient Solutions, Inc. on behalf of PHEAA, P.O. Box 8147, Harrisburg, PA 17105-8147
 14042783 +PNC BANK, N.A., PO BOX 94982, CLEVELAND, OHIO 44101-4982
 14037911 +Pnc Bank, N.a., 1 Financial Pkwy, Kalamazoo, MI 49009-8002
 14037915 +Synchrony Bank fka GE Capital Retail Ban, c/o Gregg Morris Esquire, 213 East Main St,
 Carnegie, PA 15106-2701
 14037916 +Td Bank Usa/targetcred, Po Box 673, Minneapolis, MN 55440-0673

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 14099889 +E-mail/Text: bncmail@w-legal.com Jan 10 2017 01:55:21 CERASTES, LLC,
 C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 14037902 +E-mail/Text: fnb.bk@fnfg.com Jan 10 2017 01:55:36 First Niagara Bank, 1 Hudson City Ctr,
 Hudson, NY 12534-2355
 14081629 E-mail/Text: fnb.bk@fnfg.com Jan 10 2017 01:55:36 First Niagara Bank, N.A.,
 6950 South Transit Road, PO Box 514, Lockport NY 14095-0514
 14037904 +E-mail/PDF: gecsed@recoverycorp.com Jan 10 2017 01:54:03 GECRB/Gap, Attn: bankruptcy,
 Po Box 103104, Roswell, GA 30076-9104
 14037905 +E-mail/PDF: gecsed@recoverycorp.com Jan 10 2017 01:53:01 GECRB/Lowes,
 Attention: Bankruptcy Department, Po Box 103104, Roswell, GA 30076-9104
 14037907 +E-mail/PDF: gecsed@recoverycorp.com Jan 10 2017 01:54:03 GECRB/Walmart, Attn: Bankruptcy,
 Po Box 103104, Roswell, GA 30076-9104
 14037908 +E-mail/Text: bnckohlsnotices@beckett-lee.com Jan 10 2017 01:54:34 Kohls/capone,
 N56 W 17000 Ridgewood Dr, Menomonee Falls, WI 53051-7096
 14037909 E-mail/Text: camanagement@mtb.com Jan 10 2017 01:54:43 M & T Bank, Attn: Bankruptcy,
 1100 Wehrle Dr 2nd Floor, Williamsville, NY 14221
 14037910 +E-mail/PDF: pa_dc_claims@navient.com Jan 10 2017 01:53:38 Navient, Po Box 9500,
 Wilkes Barre, PA 18773-9500
 14104610 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 10 2017 01:53:55
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14037912 +E-mail/PDF: gecsed@recoverycorp.com Jan 10 2017 01:54:03 Sams Club / GEMB,
 Attention: Bankruptcy Department, Po Box 103104, Roswell, GA 30076-9104
 14037913 +E-mail/PDF: gecsed@recoverycorp.com Jan 10 2017 01:54:03 Synch/rheemk, C/o Po Box 965036,
 Orlando, FL 32896-0001
 14037914 +E-mail/PDF: gecsed@recoverycorp.com Jan 10 2017 01:54:03 Synch/toysrus, Po Box 965005,
 Orlando, FL 32896-5005
 14103082 E-mail/PDF: gecsed@recoverycorp.com Jan 10 2017 01:53:01 Synchrony Bank,
 c/o Recovery Management Systems Corp, 25 SE 2nd Ave Suite 1120, Miami FL 33131-1605
 14057900 +E-mail/Text: bncmail@w-legal.com Jan 10 2017 01:55:21 TD BANK USA, N.A.,
 C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 TOTAL: 15

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
 Lakeview Loan Servicing, LLC

cr

District/off: 0315-2

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 35

Date Rcvd: Jan 09, 2017

cr* +Navient Solutions, Inc., 220 Lasley Ave, Wilkes-Barre, PA 18706-1430
14037903* ++FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180
(address filed with court: Ford Motor Credit Corporation, Ford Motor Credit, Po Box 6275,
Dearborn, MI 48121)
14037906* +GECRB/Lowes, Attention: Bankruptcy Department, Po Box 103104, Roswell, GA 30076-9104
14037897 ##Best Buy Credit Services, PO Box 183195, Columbus, OH 43218-3195
TOTALS: 1, * 3, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required
by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 11, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on January 9, 2017 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor Lakeview Loan Servicing, LLC agornall@goldbecklaw.com,
bkgroup@goldbecklaw.com;bkgroup@kmlawgroup.com
James Warmbrodt on behalf of Creditor Lakeview Loan Servicing, LLC bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov
Paul M. Daniels on behalf of Debtor John F Kostelnik, Jr. paul@pauldanielslaw.com,
robert@pauldanielslaw.com;pauldaniels.lawclerk@gmail.com;chris@pauldanielslaw.com
Paul M. Daniels on behalf of Joint Debtor Colleen A Kostelnik paul@pauldanielslaw.com,
robert@pauldanielslaw.com;pauldaniels.lawclerk@gmail.com;chris@pauldanielslaw.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 6